

APPEAL NO. 032017
FILED AUGUST 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 24, 2003. The hearing officer determined that the appellant (claimant) had disability on April 3 and April 4, 2001. The claimant appealed on sufficiency of the evidence grounds. The respondent (self-insured) urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(a). Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)) provides that an appeal is presumed to have been timely filed if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Texas Workers' Compensation Commission (Commission) not later than the 20th day after the date of receipt of the hearing officer's decision. Both portions of Rule 143.3(c) must be satisfied in order for an appeal to be timely. Texas Workers' Compensation Commission Appeal No. 94065, decided March 1, 1994. Pursuant to Section 410.202(d), Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code, are not included in the computation of time in which a request for appeal must be filed.

Commission records indicate that the hearing officer's decision was mailed to the claimant on June 27, 2003. The claimant states in his appeal that he received the decision on July 1, 2003. The last date for the claimant to timely file an appeal was July 23, 2003, and the deadline for receipt by the Commission was July 30, 2003. The claimant mailed his appeal on July 16, 2003; however, it was not received by the Commission until August 1, 2003. The claimant also hand-delivered a copy of his appeal to the local office on July 31, 2003, beyond the filing deadline. The appeal is, therefore, untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**LJ
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge